

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

United States of America,)
)
 vs.) 9:22cr00658-RMG-1
)
Russell Lucius Laffitte,)
)
 Defendant.) July 27, 2022

TRANSCRIPT OF INITIAL APPEARANCE

BEFORE THE HONORABLE MOLLY H. CHERRY
United States Magistrate Judge, presiding

A P P E A R A N C E S:

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P R O C E E D I N G S

(Proceeding begins at 10:19 a.m.)

THE COURT: Good morning, Mr. Daniel.

MR. DANIEL: Good morning, Your Honor.

THE COURT: Mr. Austin.

Mr. Lafitte --

THE DEFENDANT: Yes, ma'am.

8 **THE COURT:** -- the purpose of this proceeding this
9 morning is to advise you of your rights, to advise you of the
10 charges against you in the indictment and the maximum penalties
11 associated with those charges and to make a decision about
12 release, if appropriate, in your case. This is not a trial
13 that we're here for this morning.

14 You have the right to remain silent. You do not have
15 to speak. Anything that you do say may be used against you in
16 this proceeding and any future proceedings. Do you understand
17 that?

THE DEFENDANT: Yes, ma'am.

19 **THE COURT:** Okay. You have the right to have an
20 attorney to represent you. I understand that Mr. Daniel and
21 Mr. Austin are here as your attorneys. If, at any point in
22 time this morning, you need to speak privately with them, you
23 just need to let me know that and you -- you may do that. All
24 right?

1 **THE COURT:** Now, Mr. Lafitte, did you receive a copy
2 of your indictment in this matter?

3 **THE DEFENDANT:** I did.

4 **THE COURT:** And have you had an opportunity to go
5 over the charges in the indictment with your attorneys?

6 **THE DEFENDANT:** Yes, ma'am.

7 **THE COURT:** Do you understand the charges against you
8 in the indictment?

9 **THE DEFENDANT:** Yes, ma'am. I do.

10 **THE COURT:** Would you like for the Court to read the
11 charges in the indictment to you?

12 **THE DEFENDANT:** No, ma'am.

13 **THE COURT:** Okay. All right.

14 Now, Ms. Limehouse, could you please go over the
15 penalties associated with those charges?

16 **MS. LIMEHOUSE:** Yes, Your Honor. The count is a --
17 the indictment is a five-count indictment. The first count is
18 a violation of 18 U.S.C. 1349. It charges conspiracy to commit
19 both wire fraud and bank fraud. Count 2 is a substantive bank
20 fraud charge. Count 3 is a substantive wire fraud charge. And
21 Counts 4 and 5 charge misapplication of bank funds. The
22 penalties for all of these charges are the same, Your Honor. A
23 maximum term of imprisonment of 30 years, fine of a million
24 dollars, supervised release of five years, and a special
25 assessment of \$100.

1 **THE COURT:** Thank you.

2 And Mr. Lafitte, do you understand the penalties
3 associated with the charges against you in the indictment?

4 **THE DEFENDANT:** I do.

5 **THE COURT:** At this time, I'm going to ask the clerk
6 to enter a "not guilty" plea for you. That will preserve all
7 of your rights in this matter, your right to review the
8 evidence the government has against you, and your right to a
9 trial.

10 **THE DEFENDANT:** Thank you.

11 **THE COURT:** In accordance with the Due Process
12 Protections Act and Rule 5(f) of the Federal Rules of Criminal
13 Procedure, the Court confirms the government's obligation to
14 disclose to the defendant all exculpatory evidence, that is
15 evidence that favors the defendant or cast doubt on the
16 government's case as required by Brady versus Maryland and its
17 progeny and hereby orders the government to do so. Failure to
18 do so in a timely manner may result in serious consequences
19 including but not limited to exclusion of evidence, adverse
20 jury instructions, dismissal of charges, contempt proceedings,
21 disciplinary action, or sanctions by the Court.

22 Ms. Limehouse, what is the government's position on
23 bond?

24 **MS. LIMEHOUSE:** Yes, Your Honor. As you know from
25 review of the pretrial services report, Mr. Lafitte is facing

1 charges related to the conduct charge in this federal
2 indictment out of the State Grand Jury. He has appeared on
3 those charges already and posted a substantial bond. He was
4 given a million dollars' bond and, I believe, posted about
5 \$200,000 to get bond in those charges.

6 Our request is only that you impose a relatively
7 nominal secured bond in addition to the state bond with some
8 special conditions that we would review with Your Honor and
9 that we have the opportunity to acknowledge that there may be a
10 change in circumstances, should his bond be reduced on the
11 state side, we might want to revisit the bond imposed by
12 Your Honor.

13 I will note for the record, Your Honor, that we do
14 have some victims here today that would like to be heard on the
15 matter. Mr. Eric Bland is here on behalf of some of the
16 victims and he'd like to speak on their behalf.

17 **THE COURT:** Okay.

18 **MR. BLAND:** Good morning, Your Honor.

19 **THE COURT:** Good morning, Mr. Bland.

20 **MR. BLAND:** This is Alania Spohn. She is one of the
21 victims. Her sister Hannah Plyler is also a victim. She's a
22 deputy sheriff with the Lexington County Sheriff's Department.
23 Her husband David back there is a deputy with the Richland
24 County Sheriff's Department. This is my partner Ronnie Richter
25 and --

1 **MR. RICHTER:** Good morning, Your Honor.

2 **THE COURT:** Good morning.

3 **MR. BLAND:** -- we're honored to represent them.

4 Your Honor, this is not the Alex Murdaugh case where
5 we argued on December 13 that he should not get bond.

6 Mr. Lafitte should get bond. But this is not a parking ticket
7 case, Your Honor.

8 Mr. Lafitte was a conservator for these young women
9 when they were small children and multi-million-dollar recovery
10 was -- occurred. Mr. Lafitte as a conservator, borrowed money
11 for himself from the conservator funds without any approval
12 from the probate court, not an order for the probate court. In
13 addition, he loaned these girls' funds to Alex Murdaugh. And
14 he charged himself and Alex Murdaugh a below-market interest
15 rate at the same time when the bank was getting loans to these
16 girls for litigation expenses at a 25 percent interest rate.
17 when he was only charging himself a 2.25 percent interest rate.
18 They borrowed over \$1.4 million from these girls without any
19 approval, without any consent, without any loan committee
20 approval in a direct conflict of interest.

21 In addition, when it came time to pay the girls off
22 when they turned 18 years old when they were due their money,
23 the allegations in the indictment are that they went to other
24 conservator custodian accounts and took money from Arthur
25 Badger and from the Pinckney accounts to pay these girls off.

1 During the course of seven years, there were hundreds
2 of overdraft fees that these girls had to pay because
3 Mr. Lafitte over drafted their account. There were NSF checks
4 written. And during this time, Mr. Lafitte, in addition to
5 collecting over \$300,000 worth of conservator fees when the
6 settlements occurred from the accident that their mother and
7 their brother and they had significant personal injuries, he
8 was charging five percent a year for conservatorship fees which
9 he was applying against his loan balance. So at this time,
10 there is still money that's owed to these girls. Yes, they
11 were paid a lion's share of it from theft that occurred from
12 other accounts.

13 But Your Honor, in addition to being a banker,
14 Mr. Lafitte was an officer of the court. You need to look at
15 him the same way you would look at a lawyer standing before you
16 who misappropriated and stole money. He's an officer of the
17 court. He swore an oath that he was going to follow the rule
18 of law, that he would come to the Court and ask permission from
19 the Court to do these things. It was not done.

20 So we would ask that there be an additional bond, not
21 just a nominal bond, but a significant bond that needs to send
22 a message to people who take the oath before the Court that
23 they're going to honor the law. And I would ask you,
24 Your Honor, to impose that type of bond that sends the message
25 to everybody who is going to be a personal representative,

1 who's going to be a conservator that when you take the oath,
2 it's not your money. It belongs to the people who lost family
3 members, people who are suffering. And that's what I would ask
4 Your Honor.

5 Mr. Richter, do you have anything to say?

6 **MR. RICHTER:** Your Honor, if you could just indulge
7 me briefly. Alania and her sister were only 9 and 12 years old
8 when they -- when their mother and brother died in that
9 accident. They were -- they were rear seat passengers. They
10 were seriously injured.

11 Substantial settlements were obtained. There's no
12 question about that. In part, the settlements were used to buy
13 annuities on the girls' behalf. And those annuities provided
14 monthly payments that would have more than accounted for any
15 foreseeable need that they had. But yet the decision was made
16 at that time to hold back a substantial sum of money. And that
17 decision appears to have been made by Alex Murdaugh and by
18 Russell Laffitte. Cause he would ask: Why do you need to hold
19 back this substantial sum of money when they have an annuity
20 that's paying them a monthly benefit that's more than
21 sufficient to cover any foreseeable need? The history kind of
22 plays out why that decision was made.

23 So it appears that over the passage of years, not
24 less than six loans were made from Russell Lafitte to -- to
25 himself. Not less than eight loans were made from Russell

1 Lafitte to Mr. Murdaugh without -- without security, without
2 court approval, without -- without him being bonded by the
3 Court. When the time came to repay those loans and they were
4 short, the answer was simply, "We'll -- we'll just take the
5 money from other accounts that we have in management."

6 And the other thing that we think is important for
7 you to understand in this setting is their mother is gone.
8 Their relationship with their father is not great. Russ
9 Lafitte becomes a literal father figure to these girls. "Can I
10 have a cell phone? Can I have an allowance? Can I have money
11 for school clothes? Can I have money to buy Christmas gifts?"
12 This is the level of trust that they were reposing into
13 Mr. Lafitte that was abused. All the time that they are
14 applying to him, "Can I use my money to go to Disney World?"
15 they have no idea that he's using that money to make pocket
16 loans to himself and to his friend Alex Murdaugh.

17 And we just want the Court to be aware of the full
18 context of the behavior here in this setting. Obviously, we
19 entrust it to the good discretion of the Court. Thank you,
20 Your Honor.

21 **THE COURT:** Thank you.

22 **MS. LIMEHOUSE:** Your Honor, in addition to the
23 \$25,000 secured that we are requesting, we do ask that
24 Mr. Lafitte be ordered to forfeit his passport and any
25 firearms that are currently in the home. There is a -- he's

1 currently under house arrest is my understanding on the state
2 charges. We request that we have a location monitoring order
3 in place. My understanding is that the property is large and
4 that he does need to go about the property for farming
5 purposes. We have not objection to drawing that perimeter sort
6 of around the exterior of that property so that he does have
7 the ability to -- to farm the property.

8 The other sort of condition that I think has also
9 similarly been imposed on the state charges. This indictment
10 relates to charges that -- conduct that occurred while he was
11 an executive at the Palmetto State Bank. He has many family
12 members including his father and sister who are still employees
13 and shareholders in that same bank. My understanding is that
14 Mr. Lafitte remains a shareholder to this day in that bank. We
15 do request that you order him not to communicate with his
16 family members or any employees, board members, shareholders,
17 or bank executives about the nature of these charges or about
18 the pending case, Your Honor, with the understanding that given
19 that he is still a shareholder, there may be some involvement
20 still in place with Palmetto State Bank. But that he not be
21 able to discuss any of the conduct outlined in the indictment,
22 Your Honor.

23 **THE COURT:** Thank you, Ms. Limehouse. Anything
24 further, Ms. Limehouse, from the government?

25 **MS. LIMEHOUSE:** Nothing further, Your Honor.

1 **THE COURT:** Okay.

2 Mr. Daniel.

3 **MR. DANIEL:** Your Honor, I'd defer to Mr. Austin.

4 **THE COURT:** Okay.

5 **MR. AUSTIN:** Good morning, Your Honor.

6 **THE COURT:** Good morning.

7 **MR. AUSTIN:** Your Honor, I'll start with you on
8 Mr. Lafitte's background and his personal characteristics. As
9 the PSR, or the pretrial services report, reflects, he's a
10 lifelong resident of South Carolina in Hampton County
11 specifically. He's only gone as far away as Newberry for
12 college. And he has no desire to leave South Carolina. He has
13 a substantial amount of family, a number of whom are here right
14 behind me. And he has a ton of support in the community and
15 across the state. He doesn't want to leave. He's been
16 extremely active within his community both as CEO of the bank
17 but also just as a community member in general.

18 And so, Your Honor, with regard to some of the
19 allegations that are floating around in this case, it makes it
20 somewhat of an unusual case where it already is obviously very
21 unusual with the amount of publicity and pretrial attention.
22 But what's also strange is that there's very little
23 disagreement about the basic facts of the case. Mr. Lafitte
24 doesn't deny serving as conservator or PR for a number of these
25 victims. And he truly feels sorry for the victims and does not

1 deny that he was involved. The only question is whether he
2 thought he was committing a crime. And he adamantly contest
3 the allegations that he did.

4 We look forward to trying the case and him getting to
5 explain his side of the story because the amount of publicity
6 that has come down has been pretty overwhelming. And much of
7 it is negative. I mean, much of it is untrue.

8 And so, Your Honor, with regard to the bond,
9 Mr. Lafitte first met with SLED back in September 2021, I
10 believe over the phone. In November, he met with them in
11 person and had a videotaped interview and he's had a number of
12 proffer interviews since. He's met with the FBI and SLED and
13 the US Attorney's Office and the A.G.'s office together. He's
14 also met and cooperated with ODC in their investigation as
15 well, I believe three different times. And so he's not hiding
16 from anything. He -- he's ready to accept responsibility. He
17 just contests whether he's trying to commit a crime or not.

18 If he was a flight risk, I think that the government
19 in the state would have asked for him to -- would have gotten a
20 warrant for his arrest much earlier. Instead, he's been
21 allowed to turn himself in every step of the way. There's
22 never been any -- any indication that he wants to flee, wants
23 to hide from this. If he did, he probably would have done it
24 back in September last year. Instead, he's cooperated, like I
25 said, every single step of the way.

1 And so with regard to the state bond, we have a
2 motion pending. I believe the hearing is going to be held next
3 week to modify the conditions of that bond. While it is high,
4 what's interesting too is that in the previous hearing, no
5 evidence was put forward suggesting that he was a danger to the
6 community or a flight risk. There's no testimony. There was
7 not one piece of evidence offered. It's just arguments of
8 counsel. And so to piggy back on that, I think would be doing
9 him injustice because simply the fact that there's serious
10 allegations aren't enough to warrant limiting him the way that
11 he's being limited right now.

12 He's not trying to -- all he wants to do is work and
13 work and prepare for his defense. And being able to
14 communicate with the witnesses in this case, which happen to be
15 family members and employees of the bank, is a critical part of
16 that. So we would ask that he be allowed to, in a limited way,
17 whether it's through counsel or another avenue that the Court
18 sees fit to be able to meet and discuss the operative facts of
19 this case so he can prepare a defense. So we would ask that he
20 not be limited in that way. And I believe that's it,
21 Your Honor.

22 **THE COURT:** Okay. Thank you, Mr. Austin.

23 Ms. Limehouse, let me hear from you in terms of the
24 practical reality that Mr. Austin has just raised in terms of
25 preparing a defense and communicating with individuals.

1 **MS. LIMEHOUSE:** I understand that his attorneys might
2 need to communicate with witnesses and their attorneys about
3 this case in preparation for this trial. I stringently oppose
4 Mr. Lafitte being able to communicate with any family members,
5 any employees, bank executives, or shareholders about the facts
6 of this case. And we stand by that objection, Your Honor.
7 There -- we acknowledge that there are family relationships and
8 we can't ask him to not communicate with those individuals as
9 family members. But regarding the allegations contained in
10 this indictment, we stringently oppose Mr. Lafitte's request
11 individually to do so.

12 **THE COURT:** Okay. And Ms. Limehouse, I'm -- I'm
13 really considering more the practical reality behind -- I -- I
14 am going to restrict him from directly or indirectly contacting
15 any of these individuals with regard to the nature of the
16 charges in this case. But indirect, in theory, could cover
17 counsel. So I am going to carve out an exception --

18 **MS. LIMEHOUSE:** Understood.

19 **THE COURT:** -- for counsel to be able to adequately
20 prepare their defense of the -- the case.

21 **MS. LIMEHOUSE:** Understood.

22 **THE COURT:** All right. Anything further, Mr. Austin,
23 before -- in light of the government's position, I am going to
24 give Mr. Lafitte a bond and a secured bond and I'll go over the
25 conditions. But anything further before I do?

1 **MR. DANIEL:** Your Honor, I have an issue. We can do
2 it after bond or we can do it -- we can address it now, however
3 the Court pleases.

4 **THE COURT:** Is -- does it potentially impact
5 conditions I impose? How about if I go through my
6 conditions --

7 **MR. DANIEL:** Yes. Yes. Yes.

8 **THE COURT:** -- and then if it's something we need to
9 navigate, I'll --

10 **MR. DANIEL:** That works.

11 **THE COURT:** -- hear from you.

12 **MR. DANIEL:** Thank you.

13 **THE COURT:** All right. Mr. Lafitte, so I am going to
14 give you a bond and release you in this matter. I'm going to
15 give you a secured bond. And the purpose of this bond -- my
16 considerations in giving a bond are -- you've heard the phrase
17 "flight risk" and "safety to the community." So those are the
18 factors that I am trying to balance in terms of the bond. As I
19 indicated before, this is not the trial of your case.

20 So with that having been said, I'm going to give you
21 a secured bond in the amount of \$500,000. I'm going to require
22 \$25,000 to be deposited into the court. Okay. So the bond is
23 secured, but I'm only requiring you to put \$25,000 into court
24 in support of that bond. But what that means, Mr. Lafitte, is
25 if you violate a condition of my bond, in addition to, in

1 essence, forfeiting the \$25,000, the government can seek to
2 recover the remainder of that bond from you. And I want to
3 make sure you understand that.

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Now, I'm also going to require you to
6 submit to supervision by the U.S. Probation Office. And that
7 means if the officer tells you to do something or not do
8 something, you need to listen to the probation officer. All
9 right?

10 **THE DEFENDANT:** Yes, ma'am.

11 **THE COURT:** I am going to order location monitoring
12 in this matter along with home detention. That will allow you
13 to leave for attorney visits, doctor's appointments, things of
14 that nature. So you are allowed to leave for those. Also, in
15 recognition of what the government has highlighted, you will be
16 allowed to help on the farm or the property so you can move
17 around the property. And so I'll make sure that's clear. In
18 the bond, you're allowed to do that as well.

19 With regard to the location monitoring, I am going to
20 require you to pay for that monitoring service. The probation
21 office will go over with you -- they've got a scale in terms
22 of --

23 **MR. DANIEL:** Judge, may we point out something? He
24 is currently on location monitoring. He actually wears an
25 ankle bracelet for that purpose. Can we remain on that same

1 one? I don't -- we don't want a second one. We don't want to
2 pay for a second one.

3 **THE COURT:** Well, my concern is Mr. Austin just said
4 that you-all are going to seek to modify the conditions of the
5 state bond and I've got no control over that. So I don't think
6 there's any way --

7 Ms. Broughton, can the probation office piggy back
8 any way off of the state system?

9 **THE PROBATION AGENT:** No, Your Honor. We are not --
10 we -- we have no control over that location monitoring that's
11 put on by the state. Often, it's put on by bondsmen and we
12 cannot monitor that at all.

13 **THE COURT:** Yeah.

14 **THE PROBATION AGENT:** In the past, and Ms. Limehouse
15 can speak to this, we've had -- we've asked for it to be
16 removed by the state --

17 **MS. LIMEHOUSE:** Yes. What I'm willing to do is I
18 would much prefer that they do the monitoring rather than a
19 bondsman or someone on the state side. What I'm willing to do
20 is reach out to the prosecutors on the state side once this
21 condition is imposed and his monitor is set up and ask that the
22 state monitor be removed. I'm fine with consenting with that.

23 **THE COURT:** Okay. All right. And I appreciate
24 the --

25 **MR. DANIEL:** Yes, Your Honor.

1 **THE COURT:** -- the reality behind that, Mr. Daniel.

2 Thank you for raising that.

3 **MR. AUSTIN:** Judge, I have one thing to add to. So
4 just by the nature of the work that he's doing on the farm, he
5 has to go to part stores and get, you know, various parts for
6 different machinery on the farm. He's also got to go to -- we
7 have a list of places that he's been going that the current
8 electronic monitoring people are aware of. And so we just ask
9 that those be included. We can provide a list of those places
10 as well to probation.

11 **THE COURT:** Ms. Limehouse, any objection from the
12 government?

13 **MS. LIMEHOUSE:** I'll defer to probation in terms of
14 what they approve of for his leaving the area.

15 **THE COURT:** Okay. Is that something that we can
16 monitor?

17 **THE PROBATION AGENT:** With home detention with
18 approval by the probation officer, he will be allowed to tend
19 to his work. He'll just have to give a schedule in advance --

20 **THE COURT:** Okay.

21 **THE PROBATION AGENT:** -- of what that looks like.

22 **THE COURT:** Okay. All right. So I will -- I will
23 include a condition that he is allowed for purposes of work
24 related to the farm on the condition that probation approves in
25 advance. So you'll need to give a list of that to probation.

1 And I'm going to rely on approval from probation for that. All
2 right?

3 **MR. AUSTIN:** Thank you, Your Honor.

4 **THE COURT:** Does that clarify --

5 **MR. AUSTIN:** Yes, ma'am.

6 **THE COURT:** -- or address that concern, Mr. Austin?

7 All right.

8 I'm also going to require you to surrender any
9 passport that you may have, Mr. Lafitte, and you're not allowed
10 to apply for any passport or international travel document.

11 **MR. DANIEL:** Your Honor, that's already been done,
12 for the Court's benefit.

13 **THE COURT:** Okay. Thank you.

14 And you heard me talk earlier. I am going to
15 prohibit you from contacting or communicating directly or
16 indirectly with any bank board members or family members
17 regarding the nature of the charges against you or the charges
18 in this indictment or this case. I am going to carve out an
19 exception. Your attorneys may do so in order to prepare your
20 defense in this case. And I also recognize that there may be a
21 need to interact with them with regard to bank business. That
22 is allowed, but you are not allowed to discuss the nature of
23 these charges or the indictment in this case. That, you're not
24 allowed to discuss directly or indirectly with any of these
25 individuals. Do you understand that, Mr. Lafitte?

1 **THE DEFENDANT:** Yes, ma'am.

2 **THE COURT:** Okay. You may not possess a firearm,
3 destructive device, or other weapon. If there are guns or any
4 other weapon in the home, those will need to be removed.

5 You may not use alcohol excessively. And you must
6 report as soon as possible to the probation officer any
7 interaction that you have with law enforcement, any traffic
8 stop questioning, anything of that nature. I realize that you
9 are, in essence, on home detention. But there will be some
10 exceptions that allow you to travel for things related to the
11 farm. So should you interact with law enforcement in any way,
12 you need to report that as soon as possible to the probation
13 office.

14 **THE DEFENDANT:** Yes, ma'am.

15 **THE COURT:** Ms. Limehouse, is there anything further
16 from the government regarding these conditions?

17 **MS. LIMEHOUSE:** The only thing I'd like to clarify is
18 the issue of the passports just to notify them who has custody
19 of the passport so they can confirm.

20 **THE COURT:** Okay. So Mr. Daniel, it has not been
21 turned over to the probation office.

22 **MR. DANIEL:** It's been turned over -- Your Honor,
23 that happened in the state proceeding. Ms. Peggy Self, the
24 clerk of the State Grand Jury has possession of the passport.

25 **THE COURT:** Okay.

1 And Ms. Broughton, is that satisfactory for probation
2 or do we need further confirmation?

3 **THE PROBATION AGENT:** Yes, Your Honor. We will
4 confirm.

5 **THE COURT:** Okay. All right.

6 Anything further, Ms. Limehouse?

7 **MS. LIMEHOUSE:** Nothing further, Your Honor. Thank
8 you.

9 **THE COURT:** And Mr. Daniel or Mr. Austin, any issues
10 or concerns regarding these conditions?

11 **MR. DANIEL:** Yes, Your Honor. One issue.
12 Your Honor, the -- the victim's lawyers have been here today
13 and they have every right to make -- be here and represent
14 their victims here -- the victims have that right -- and to
15 make judicial statements. However, they do not have a right to
16 make extra judicial statements or statements outside of this
17 court or some other court. And disappointingly for our client
18 and also for our profession, there have been statements made by
19 some of the counsel in these related cases that, quite frankly,
20 aren't true. They may not know they're not true, but they're
21 not true.

22 And while they have a right to make statements in
23 court, they don't have a right to make statements out of court.
24 Because our client Mr. Lafitte -- and with all this publicity
25 generated, we're going to fight and do our darndest to make

1 sure he gets a fair trial. And I would ask the Court to assist
2 us in making sure he gets a fair trial by an impartial jury.

3 And -- and what I'm asking the Court, then, is in
4 this particular case, Your Honor, as cases in point, some of
5 the plaintiff's lawyers, who ever -- also represent the victims
6 have been having ongoing media interviews and doing press
7 conferences with Dick Harpootlian and the Murdaugh team. We
8 haven't made any extra judicial statements. All we ask is that
9 they be -- they be required to follow the rules. Our client's
10 got that constitutional right to a fair trial and we demand
11 that he be given that right and he demand -- we demand the
12 protections.

13 We're not asking the court for a gag order,
14 Your Honor. All we're asking is that the lawyer's involved in
15 this case follow the Rules of Professional Conduct which are
16 the rules that govern our profession. And we would ask that
17 they maintain silence outside of the court proceeding. Thank
18 you, Your Honor.

19 **THE COURT:** Okay. Thank you, Mr. Daniel. Now, with
20 regard to compliance with any of the Rules of Professional
21 Conduct, that's a requirement of membership in our bar as are
22 several other oaths. So I don't know that there's a necessary
23 order from the Court. And I do not understand you to be
24 seeking a gag order at this time. I will highlight I don't
25 think a district judge has been assigned to this case yet.

1 **MS. LIMEHOUSE:** Judge Gergel, Your Honor.

2 **THE COURT:** He has -- he does have it?

3 Then I think Judge Gergel would -- since he is going
4 to be the trial attorney in this case, would be the
5 appropriate -- trial judge in this case would be the
6 appropriate judge to address a gag order should that become
7 something either side anticipates needing in this matter.

8 **MR. DANIEL:** Yes, Your Honor. And if there's more
9 statements, then we'll take that issue with -- we appreciate
10 it, Your Honor.

11 **THE COURT:** Certainly. Certainly. Anything further,
12 Mr. Daniel or Mr. Austin?

13 **MR. AUSTIN:** No, Your Honor.

14 **THE COURT:** Anything further, Ms. Lime house?

15 **MS. LIMEHOUSE:** Nothing further, Your Honor. Thank
16 you.

17 **THE COURT:** So now, Mr. Lafitte, do you have any
18 questions for me regarding the terms of your release that I
19 went over with you?

20 **THE DEFENDANT:** No, ma'am.

21 **THE COURT:** Okay. I just need to go over with you
22 some penalties and sanctions to which you'll be subject if you
23 violate a condition of your release 'cause I want to make sure
24 you understand those as well.

25 If you do, an arrest warrant may be issued for you

1 and you could be detained pending trial. Further, you could be
2 prosecuted for contempt of court which could result in
3 imprisonment or a fine. If you commit a crime while you're on
4 this bond, you could be sentenced to an additional term of
5 imprisonment to be served consecutive to any other sentence you
6 might receive.

7 There are further additional penalties for
8 intimidating or attempting to intimidate a witness, a juror, or
9 an officer of the court; obstructing a criminal investigation;
10 or tampering with or retaliating against a witness, a victim,
11 or an informant.

12 After you are released, if you fail to appear for
13 court at any time or if you fail to report to begin service of
14 any sentence that may be imposed, you could be prosecuted for
15 failure to appear and receive a consecutive sentence for that
16 offense. Do you understand the penalties and sanctions that
17 I've just gone over with you?

18 **THE DEFENDANT:** Yes, ma'am.

19 **THE COURT:** Do you have any questions for me?

20 **THE DEFENDANT:** No, ma'am.

21 **THE COURT:** All right. Ms. Limehouse, anything
22 further from the government?

23 **MS. LIMEHOUSE:** Nothing further, Your Honor. Thank
24 you.

25 **THE COURT:** Okay. And Mr. Daniel or Mr. Austin,

1 anything further?

2 **MR. DANIEL:** Nothing further, Your Honor.

3 **THE COURT:** All right. This matter is adjourned.

4 (Proceeding concludes at 10:49 a.m.)

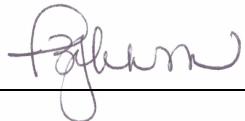
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7 **C E R T I F I C A T E**

8 I, Teresa B. Johnson, Official Reporter for the U.S.
9 District Court, District of South Carolina, hereby certify that
10 the foregoing is a true and correct transcript of the
11 electronically-recorded above proceedings, to the best of my
12 ability.

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08/02/2022

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Teresa B. Johnson, CVR-M-CM, RVR, RVR-M

Date

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